

## REMARKS/ARGUMENTS

Claims 19-20, 22-23, 26-29, 31, 33-39, and 49 are currently pending in the present patent application. Claims 19, 34, and 39 are amended. Claim 21 has been cancelled without prejudice or disclaimer. Claims 26-29, 31, 33 and 49 were previously allowed. In view of the following, all currently pending claims are in condition for allowance, and, therefore, the Applicants' attorney requests that the Examiner withdraw all outstanding rejections. However, if after considering this response the Examiner does not allow all of the claims, the Applicants' attorney requests that the Examiner contact him to schedule a telephone interview to further the prosecution of this application.

### **Rejection of Claims 19-23 Under 35 U.S.C. § 102(e) as Being Anticipated by U.S. 6,794,708 to Mori**

#### **Claim 19**

Claim 19 as amended recites a pair of insulation structures each having a respective portion projecting from a substrate, the projecting portions defining a recess, and a floating gate of a memory cell disposed in the recess such that the floating gate does not extend above the projecting portions of the insulating structures.

For example, referring, e.g., to Figures 14-15 of the patent application, a pair of insulation structures 27 delimits an active area 25 of a substrate 21, and each structure 27 has a respective portion projecting from the substrate, the projecting portions defining a recess 34 (FIG. 10) over a portion of the active area 25 and over a portion of at least one of the insulation structures 27. And a memory cell 44 has a body region disposed in the portion of the active area 25, a gate insulator 37 disposed over the body region, and a floating gate 44a disposed in the recess over the gate insulator 37 and over the portion of the at least one insulation structure 27 such that the floating gate 44a does not extend above the projecting portions of insulating structure 27.

In contrast, Mori does not disclose a memory cell having a floating gate disposed in a recess defined by respective projecting portions of insulating structures such that

the floating gate does not extend above the projecting portions. Referring, *e.g.*, to Mori's Figure 14D in the cell-array section, portions of device isolators 14 projecting above a substrate define a recess in which is disposed a floating gate formed by layers 22 and 24. But unlike the floating gate recited in claim 19, Mori's floating gate extends above the projecting portions of device isolators 14.

On page 3 of the instant Office Action, the Examiner cites Figure 30 of Mori to show that "the floating gate does not extend above the projecting portions of the insulating structures." However, Figure 30 of Mori shows an intermediate stage of fabrication, and thus does not depict a memory cell or a floating gate. Instead, referring to Figure 32 of Mori, Mori's completed memory cell has a completed floating gate 22 and 24 that extends above the recess defined by projecting portions of insulating structures 14.

#### **Claim 20**

Claim 20 is patentable by virtue of its dependency from claim 19.

#### **Claim 21**

Claim 21 has been cancelled without prejudice or disclaimer.

#### **Claim 22-23**

These claims are patentable by virtue of their respective dependencies from claim 19.

### **Rejections of Claims 34-38 Under 35 U.S.C. § 102(e) as Being Anticipated by U.S. 7,170,786 to Chien et al. (hereinafter "Chien")**

#### **Claim 34**

Claim 34, as amended, recites an isolation region disposed in a substrate and defining a recess that is bounded by the isolation region on at least two sides, the isolation region having a first depth beneath the recess and a second depth outward from the recess along at least one of the two sides with the first depth being greater

than the second depth, and a first conductor disposed in, and extending no higher than, the recess.

For example, referring to Figures 10 and 13 of the patent application, an isolation region 27 is disposed in a substrate 21 and defines a recess 33 (Figure 10) that is bounded by the isolation region on at least two sides, and a first conductor 40 (Figure 13) disposed in, and extending no higher than, the recess.

In contrast, Chien does not disclose a first conductor disposed in a recess defined by an isolation region such that the first conductor extends no higher than the recess. Referring, *e.g.*, to Chien's Figure 7j, a word line (first conductor) 106 extends higher than an isolation trench (recess) 104.

#### **Claims 35-38**

These claims are patentable by virtue of their respective dependencies from claim 34.

#### **Objection to Claim 39 as Being Dependent Upon a Rejected Base Claim**

##### **Claim 39**

The Applicants' attorney has amended claim 39 to be an independent claim.

## CONCLUSION

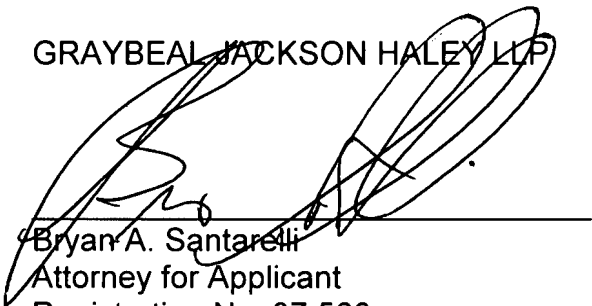
In light of the foregoing and in addition to the allowed claims 26-29, 31, 33, and 49, claims 20, 22-23 and 35-38 as previously pending, and claims 19, 34, and 39 as amended, are in a condition for allowance. Favorable consideration and a Notice of Allowance are respectfully requested. Should the Examiner have any further questions about the application, Applicants respectfully request the Examiner to contact the undersigned attorney at (425) 455-5575 to resolve the matter.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

DATED this 3<sup>rd</sup> day of July, 2007.

Respectfully submitted,

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